

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Robert Marberger,) Case No.: 3:22-02375-MGL
)
)
Plaintiff,) Plaintiff,)
)
)
v.) v.)
)
)
Jeremy R. Nivens and DZYK Transportation) FIFTH AMENDED CONFERENCE AND
Services, LLC,) SCHEDULING ORDER
)
)
Defendants.) Defendants.)

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this District, the following schedule is established for this case.

1. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **October 30, 2024**.
2. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **January 9, 2025**.
3. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **December 2, 2024**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed.R.Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
4. Discovery shall be completed no later than **February 28, 2025**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 and have had a telephone conference with Judge Lewis in an attempt to resolve the matter informally. The request for a telephone conference should be made within the time limit prescribed by local rule for filing such a motion. Attorneys should send a request for a telephone conference via e-mail to

Lewis_ecf@scd.uscourts.gov.

5. Motions in limine must be filed no later than May 12, 2025. Written responses are due seven (7) days thereafter.
6. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed.R.Civ.P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before March 14, 2025. (Fed.R.Civ.P.16(b)(3)(A)).
7. Mediation shall be completed in this case on or before April 14, 2025. See the Mediation Order filed in this case which sets forth mediation requirements.
8. No later than April 28, 2025, the parties shall file and exchange Fed.R.Civ.P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed.R.Civ.P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed.R.Civ.P. 32(a)(6).
9. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
10. This case is subject to being called for jury selection and/or trial on or after June 2, 2025.

Mary Geiger Lewis
United States District Judge

Dated: _____
Columbia, South Carolina